

CLOSED

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CRIMINAL DOCKET FOR CASE #: 2:19-mj-00055-AC-1**

Case title: USA v. Smith
Other court case number: 2:19-cr-0047 RBS Eastern District of
Virginia, Norfolk Division

Date Filed: 04/11/2019
Date Terminated: 04/12/2019

Assigned to: Magistrate Judge Allison Claire

Defendant (1)

Aghee William Smith, II
TERMINATED: 04/12/2019

represented by **Dustin D. Johnson**
Law Offices of Dustin D. Johnson
2701 Del Paso Road
Suite 130-155
Sacramento, CA 95835
916-436-1647
Fax: 916-244-9889
Email: dustin@ddjlaw.biz
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

RULE 5(c)(3)

Disposition

Plaintiff

USA

represented by **Michael Redding**
United States Attorney's Office
501 I Street, Suite 10-100
Sacramento, CA 95814
916-554-2716
Email: michael.redding@usdoj.gov

LEAD ATTORNEY

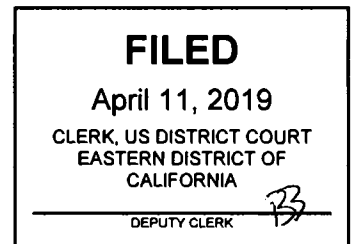
ATTORNEY TO BE NOTICED

Designation: Assistant US Attorney

Date Filed	#	Docket Text
04/11/2019		RULE 5(c)(3) ARREST from Eastern District of Virginia, Norfolk Division. Case 2:19-cr-0047 RBS as to Aghee William Smith, II (1). (Donati, J) (Entered: 04/11/2019)
04/11/2019	<u>1</u>	MINUTES (Text Only) for proceedings before Magistrate Judge Allison Claire: INITIAL APPEARANCE in RULE 5(c)(3) PROCEEDINGS (Eastern District of Virginia, Norfolk Division, 2:19-cr-00047) as to Aghee William Smith, II held on 4/11/2019. Appearance entered by Michael Redding for USA, Dustin D. Johnson appointed in this district only for Aghee William Smith, II, for defendant. Dft waived formal reading of Indictment, waived identity. Govt did not move for detention, defense concurred. After hearing, for reasons stated on the record, Court ordered defendant released on a \$25,000 unsecured bond co-signed by dft and his wife, with Pretrial Supervision, and conditions. Defendant shall comply with all standard and special conditions of release as stated on the record in open court. Defendant advised on Failure to Appear. Defendant ordered to appear in the Eastern District of Virginia, Norfolk Division, 600 Granby Street, at 2:30 pm, on 5/1/2019, before Magistrate Judge Robert Krask. Government Counsel: Michael Redding present. Defense Counsel: Dustin Johnson present. Custody Status: present, in custody. Court Reporter/CD Number: Gabriel Michel. (Buzo, P) (Entered: 04/12/2019)
04/11/2019	<u>3</u>	ORDER for RELEASE of PERSON in CUSTODY signed by Magistrate Judge Allison Claire on 4/11/2019 as to Aghee William Smith, II. (Donati, J) (Entered: 04/12/2019)
04/11/2019	<u>4</u>	NOTICE to DEFENDANT BEING RELEASED as to Aghee William Smith, II (Donati, J) (Entered: 04/12/2019)
04/12/2019	<u>2</u>	COLLATERAL RECEIVED as to Aghee William Smith, II: U.S. Passport from Aghee William Smith, II, 464051348. [ROUTED TO THE VAULT] (Mena-Sanchez, L) (Entered: 04/12/2019)
04/12/2019	<u>5</u>	TRANSMITTAL of DOCUMENTS re <u>3</u> Order on *4/11/2019* to * United States District Court* *Eastern District of Virginia, Norfolk Division* *600 Granby Street* *Norfolk, VA 23510*. * USA Passport 464051348* *Electronic Documents: 1 to 4 * (Donati, J) (Entered: 04/12/2019)
04/12/2019	<u>6</u>	COLLATERAL RETURNED as to Aghee William Smith, II: USA Passport Forwarded to Eastern District of Virginia, Norfolk Division, 464051348. (Donati, J) (Entered: 04/12/2019)
04/12/2019	<u>7</u>	*****AMENDED***** SPECIAL CONDITIONS of RELEASE as to Aghee William Smith, II. (Callen, V) (Entered: 04/12/2019)
04/12/2019	<u>8</u>	Appearance BOND POSTED as to Aghee William Smith, II in amount of \$ \$25,000. (Mena-Sanchez, L) (Entered: 04/15/2019)

PACER Service Center			
Transaction Receipt			
04/23/2019 13:17:42			
PACER Login:	brianpeters:5350697:0	Client Code:	
Description:	Docket Report	Search Criteria:	2:19-mj-00055-AC
Billable Pages:	2	Cost:	0.20

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA



UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
AGHEE WILLIAM SMITH, II,)
)
Defendant.)

Case No. 2:19-MJ-00055-AC

ORDER FOR RELEASE OF
PERSON IN CUSTODY

TO: UNITED STATES MARSHAL:

This is to authorize and direct you to release AGHEE WILLIAM SMITH, II, Case No. 2:19-MJ-00055-AC, Charge 18 USC §§ 1349, 1341, 1343, from custody subject to the conditions contained in the attached "Notice to Defendant Being Released" and for the following reasons:

- ☐ Release on Personal Recognizance
- ☒ Bail Posted in the Sum of \$
- ☒ Unsecured Appearance Bond
- ☐ Appearance Bond with 10% Deposit
- ☐ Appearance Bond with Surety
- ☐ Corporate Surety Bail Bond
- ☒ (Other) With pretrial supervision and conditions of release as stated on the record.

This release order is not effective until the date defendant has signed and understands the attached "Notice to Defendant Being Released".

Issued at Sacramento, CA on April 11, 2019 at 2:00 pm.

By /s/ Allison Claire
Allison Claire
United States Magistrate Judge

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

FILED

April 11, 2019

CLERK, US DISTRICT COURT
EASTERN DISTRICT OF
CALIFORNIA

DEPUTY CLERK

B3

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

AGHEE WILLIAM SMITH, II,)

Defendant.)

Case No. 2:19-MJ-00055-AC

NOTICE TO DEFENDANT
BEING RELEASED

A. You are advised that you are being released pursuant to the "Bail Reform Act of 1984".

B. Conditions of Release

You are further advised that your release is subject to the following conditions in addition to any conditions contained in your Bond form:

1. That you shall appear on time at all proceedings as required and shall surrender for service of any sentence imposed as directed.
2. That you shall advise the court and you attorney prior to any change in address.
3. That you shall not commit any offense in violation of federal, state or local law while on release in this case.
4. Travel Restrictions:
5. Other Special Conditions:
See Attached

C. Advice of Penalties and Sanctions

You are further advised that:

1. It is a criminal offense under Title 18 U.S.C. §3146, if, after having been released, the defendant knowingly fails to appear as required by the conditions of release or to surrender for the service of sentence pursuant to a court order. If the defendant was release in connection with a charge, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for –
 - a. an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years or both;
 - b. an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both;
 - c. any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years or both; or
 - d. a misdemeanor, the defendant shall be fined not more than \$2,000 or imprisoned not more than one year, or both. If punishable by more than 6 months, the fine is not more than \$100,000.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense.

In addition, failure to appear may result in the forfeiture of any bail.

2. Conviction of an Offense Committed While on Release

Conviction of an offense committed while on release carries the following sentences which are in addition to the sentence prescribed for the offense and which must be consecutive to any other sentence:

- a. Not more than 10 years if the offense is a felony.
- b. Not more than one year if the offense is a misdemeanor.

3. Violation of Conditions of Release

Violation of any condition of your release may also result in arrest by a law enforcement officer the immediate issuance of a warrant for your arrest, revocation of release, an order of detention, and a prosecution for contempt which could result in a possible term of imprisonment and / or a fine.

4. Obstruction of Justice Crimes

It is an additional crime to:

- a. Endeavor by force or threat to influence, intimidate or impede a juror, officer of the court, or the administration of justice (Title 18 U.S.C. §1503) Penalty: 5 years and/or \$250,000.00
- b. Endeavor to obstruct, delay or prevent a criminal investigation (Title 18 U.S.C. §1510) Penalty: 5 years and / or \$250,000.00.
- c. Tamper with a witness, victim or informant (Title 18 U.S.C. §1512) Penalty: 10 years and / or \$250,000.00.
- d. Harass a witness, victim or informant (Title 18 U.S.C. §1512) Penalty: 1 year and / or \$100,000.00
- e. Retaliate against a witness, victim or informant (Title 18 U.S.C. §1513) Penalty: 10 years and / or \$250,000.00.

ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the defendant in the above-captioned case and that I am aware of and fully understand the above conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am also aware of and fully understand the penalties and sanctions set forth above for failure to appear, conviction of an offense committed while on release, violation of a condition of release, or any of the obstruction of justice crimes.


DEFENDANT'S SIGNATURE

(IF AN INTERPRETER IS USED)

I have translated into the __ language the above conditions of release and Advice to Defendant and have been told by the defendant that he / she understands the conditions of release and advice.

INTERPRETER

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**OFFICE OF THE CLERK
501 "I" Street
Sacramento, CA 95814**

April 12, 2019

United States District Court
Eastern District of Virginia, Norfolk Division
600 Granby Street
Norfolk, VA 23510

RE: USA vs. AGHEE WILLIAM SMITH II
USDC No.: 2:19-MJ-00055-AC

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated April 11, 2019 ,
transmitted herewith are the following documents:

USA Passport 464051348
Electronic Documents: 1 to 4

Documents maintained electronically by the district court are accessible through PACER for the
Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Thank you,

/s/ J. Donati

Deputy Clerk

DATE RECEIVED: _____

RECEIVED BY: _____

(Print Name)

NEW CASE NUMBER: _____

SPECIAL CONDITIONS OF RELEASE

Re: Smith, Aghee William

No.: 2:19-MJ-00055-AC

Date: April 11, 2019

1. You must report to and comply with the rules and regulations of the Pretrial Services Agency;
2. You must report in person to the Pretrial Services Agency on the first working day following your release from custody;
3. You must reside at a location approved by the pretrial services officer and not move or absent yourself from this residence for more than 24 hours without the prior approval of the pretrial services officer;
4. You must cooperate in the collection of a DNA sample;
5. You must restrict your travel to Eastern District of California and the Eastern District of Virginia for Court purposes unless otherwise approved in advance by the pretrial services officer;
6. You must surrender your passport to the Clerk, U.S. District Court, and you must not apply for or obtain a passport or any other travel documents during the pendency of this case;
7. You must refrain from excessive use of alcohol or any use of a narcotic drug or other controlled substance without a prescription by a licensed medical practitioner; and you must notify Pretrial Services immediately of any prescribed medication(s). However, medicinal marijuana prescribed and/or recommended may not be used;
8. You must report any contact with law enforcement to your pretrial services officer within 24 hours;
9. You must not associate or have any contact with co-defendants, witnesses, or victims in this case, unless in the presence of counsel or otherwise approved in advance by the pretrial services officer;
10. You must not open any bank accounts, lines of credit, or credit card accounts, unless approved in advance by pretrial services; and
11. You must not seek employment associated with investments/finances, with access to personal identifying information of any individuals.

UNITED STATES DISTRICT COURT

for the

Eastern District of California

FILED

APR 12 2019

United States of America)

v.)

Case No.)

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY Shms
2:19-MJ-00053-ATC/TERR

AGHEE WILLIAM SMITH)

Defendant)

APPEARANCE BOND**Defendant's Agreement**

I, AGHEE WILLIAM SMITH (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (☒) to appear for court proceedings;
 (☒) if convicted, to surrender to serve a sentence that the court may impose; or
 (☐) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- (☐) (1) This is a personal recognizance bond.
 (☒) (2) This is an unsecured bond of \$ 25,000 .
 (☐) (3) This is a secured bond of \$ _____ , secured by:

- (☐) (a) \$ _____ , in cash deposited with the court.
 (☐) (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- (☐) (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety):*

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 4/11/2019

Azheer Sino
Defendant's signature

Susan Blair Smith
Surety/property owner – printed name

Susan Blair Smith
Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date